

the prisoner's counsel that they made this objection in advance to the acception of evidence of other acts of Anne Melton not now on trial done by her or words spoken by her, after the alleged time of the murder, as such acts and words could not have been done or spoken in further usage of the common alleged design. Objection overruled by the court. The witness stated the afternoon the prisoner left the neighborhood Anne Melton went to the head of the bed and tore a clapboard off from the side of the house, separated the dirt off and made a jole through the chinking; she then drove a nail in the log outside; put a string through the hole, tied one end to the nail and put the other end in bed. She also put a knife under the bed.

Thomas Dula came back a little after dark, he looked disturbed. James Melton came in afterwards. We sat up until bed time. I offered to fix a bed for Dula, he declined. He threw himself across one of the beds with his clothes on. Mrs. Anne Melton laid down on my bed, I got in behind her; I found she was crying; after a while, he came from his bed, which was at the foot of ours, into ours, getting in on the outer side from me. I heard them both sobbing. Anne Melton arose and went out; he followed her. Afterwards came back and raised the head of the bed. I asked him what was the matter. He said come out and I will tell you. I went out and he said they were telling lies on him. They embraced and parted in tears. This was four weeks after Laura's disappearance.

Two or three days before their parting, I heard James Melton say in the presence of the prisoner, "That it was reported by Hendricks that Dula had killed Laura Foster. Dula laughed and said, "They would have to prove it, and perhaps take a beating besides."

Here the state proposed to show by the acts of Anne Melton without calling for her declarations that she undertook to accompany the witness to the grave of Laura Foster and did in fact accompany her to a point within a hundred yards thereof and at that point did cover with leaves, the spot on the ground where the soil had been disturbed. Objected to by the prisoner